

PATENT
ATTORNEY DOCKET: 46970-5272

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Yukiyoshi HARAGUCHI et al.) Confirmation No.: 9753
Application No.: 10/588,954) Group Art Unit: 2627
Filed: August 10, 2006) Examiner: Nicholas J. Lee
For: INFORMATION RECORDING APPARATUS)
AND INFORMATION REPRODUCING)
APPARATUS, INFORMATION RECORDING)
METHOD AND INFORMATION REPRODUCING))
METHOD, INFORMATION RECORDING)
PROGRAM AND INFORMATION)
REPRODUCING PROGRAM, INFORMATION)
RECORDING MEDIUM AND RECORDING)
MEDIUM)

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Alexandria, VA 22314

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached PTO Form 1449. This Information Disclosure Statement is being filed after the events recited in § 1.97(b) but, to the undersigned's knowledge, before the mailing date of a Final Action, a Notice of Allowance, or another action that closes prosecution in the above-referenced application. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00, as specified by § 1.17(p).

A Japanese Office Action dated January 5, 2010 that issued in a Japanese patent application and having documents cited therein is attached for the Examiner's consideration.

The cited documents are listed on the attached PTO Form 1449 and copies of the cited non-U.S. documents are also attached hereto.

The relevance of the attached foreign language documents can be understood at least from the attached English-language abstracts, and/or from the citations of the documents in the attached Japanese Office Action dated January 5, 2010. In addition, and for relevance, Applicants refer to U.S. Patent Nos. 6,971,024 and 7,242,767, which correspond to the listed PCT document. Of these two U.S. patents, the first was cited by an Examiner on a PTO-892 form attached to the Office Action dated August 18, 2009 in this application; and the second of these two U.S. patents is listed on the concurrently-filed PTO-Form 1449.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over any of the listed documents, should any of the documents be applied against the claims of the present application.

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EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Dated: February 17, 2010

By:


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